

LIEUT. SAMUEL HOWARD.

JANUARY 29, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 7270.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 7270) to restore Lieut. Samuel Howard to his proper rank, have considered the same and report it back, and recommend that the bill be amended as hereinafter indicated, and as amended it do pass.

The facts in the case are set forth in the following report made in the Fifty-second Congress:

[House Report No. 2166, Fifty-second Congress, second session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8799) to restore Lieut. Samuel Howard to his proper rank, have had the same under consideration and report it back with the recommendation that it do pass. The records of the Treasury Department show that Mr. Howard was appointed a third lieutenant in the Revenue-Marine Service on February 19, 1869; promoted to a second lieutenancy on July 20, 1870; ordered for examination for promotion to a first lieutenancy on January 14, 1876, and, failing to make, within a most insignificant fraction, the percentage required by regulations to retain his grade, was dropped from the service on April 23, 1876. Under those regulations "any officer failing to pass the standard required for promotion will be given a second examination, when, if he shall again fail, he will be considered out of the line of promotion."

This privilege of a second examination was denied to Mr. Howard; and herein alone is ground for interference by Congress in his case. But when it is understood that he rendered, as an officer of the Navy, valuable service to his country throughout the war, and that on the special occasion of the fight between the *Monitor* and the *Merrimac* he volunteered to pilot the *Monitor*, upon the refusal of the Baltimore pilot to conduct her, was accepted by Lieut. J. L. Worden, her commander, and did actually pilot her during that ever-memorable fight, the reason for such interference becomes even more apparent, and the duty of doing justice is rendered even more obligatory, if possible.

It is true that on the 23d of May, 1876, he again received a commission as third lieutenant, and was promoted to his present grade (of second lieutenant) on October 16, 1883. But while this appointment and promotion are some scant reparation for his having been dropped from the service, they are arguments, too, why that dropping should never have occurred, and why he should not have failed to receive the rank which this bill provides for him, and which he would have received had he not been dropped.

Your committee will not believe that a grateful country will consent to have an old "sea dog," who understands thoroughly the great business of sailing her ships under the most difficult circumstances, aye, and of fighting them, too, when necessary, with conspicuous gallantry and judgment, supplanted by those whose chief qualification it is that they can reach a higher standard than he in the mathematics and can excel him in the fancy examinations of the Regulations by a one-hundredth.

Your committee append to this report a letter of the Secretary of the Treasury, written in approval of this bill.

TREASURY DEPARTMENT, May 26, 1892.

SIR: I have the honor to acknowledge the receipt of a letter from the Committee on Interstate and Foreign Commerce, transmitting bill H. R. 8799, authorizing the President "to restore Lieut. Samuel Howard to his proper rank as a first lieutenant of the Revenue-Marine Service, and to place him on the list with the rank and pay

of a first lieutenant," and requesting to be furnished such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

Respectfully replying thereto, I would state that the records of this Department show Mr. Howard to have been appointed a third lieutenant in the Revenue-Marine Service February 19, 1869; promoted to a second lieutenant July 20, 1870; that he was ordered for examination for promotion to a first lieutenant January 14, 1876, and failing to make the minimum percentage required by regulation to retain his grade, he was, on the 23d of April, dropped from the service.

On the 23d of May, 1876, he again received a commission as third lieutenant and placed at the foot of the list of officers of that grade, and was promoted to his present grade October 16, 1883. His age (now 71 years) and the infirmities incident thereto having rendered him unfit for active duty, he was, on July 7, 1890, placed "waiting orders."

Lieut. Howard as an officer of the Navy rendered valuable service to the country during the war, and especially in the part he bore as a volunteer on board the *Monitor* during her engagement with the *Merrimac* in Hampton Roads, and is well deserving of any consideration Congress may see fit to show him.

The copy of the bill is herewith returned.

Respectfully, yours,

CHARLES FOSTER, *Secretary.*

Hon. GEORGE D. WISE,

*Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.*

The committee also append to this report the following affidavit of Lieutenant Howard:

Lieutenant Howard, being duly sworn, deposes and says that on March 8, 1862, the *Congress* and *Cumberland* were destroyed by the *Merrimac*. I was at the time attached to the gunboat *Amanda* (barque), acting volunteer, Lieutenant Goodwin commanding, then lying in Hampton Roads.

At the time of the *Merrimac's* appearance, Acting Volunteer Lieutenant Goodwin, commanding the vessel I was attached to, was on shore at Fortress Monroe. At 5 p. m. he came on board and reported the *Monitor* coming up the bay, and said that he was going down the bay to meet her. I asked permission to go with him, which was granted. We met the *Monitor* off Willoughby Spit Lightship and gave Lieutenant Worden the first news of the destruction of the *Congress* and *Cumberland*.

Lieutenant Goodwin remained on board until the *Monitor* came to anchor off the U. S. S. *Roanoke*. Lieutenant Worden then went on board and reported to the commanding officer, who ordered him to proceed to the *Minnesota*.

The pilot who brought the *Monitor* in refused to take her any farther, stating that he was a Baltimore pilot and knew nothing about the Roads. I then offered my services as pilot, was accepted by Lieutenant Worden, and remained on duty during the engagement between the *Merrimac* and *Monitor*.

When Lieutenant Worden was wounded he was taken to his cabin, turning over the command of the *Monitor* to Lieut. S. D. Green, who ordered the *Monitor* to Fortress Monroe.

I put the vessel on her course and told the quartermaster to keep her so and went to the cabin and informed Lieutenant Worden what great destruction of property would happen if the order was carried out. He said that he had given Lieutenant Green charge of the vessel and to see him. I did so, and upon my representations and urgent request the course was altered for the *Minnesota*. Had the *Monitor* gone to Fortress Monroe as first ordered the *Merrimac* would have captured or set fire to the *Minnesota* and captured the large fleet of merchantmen then in the Roads with army stores, which amounted to many millions of dollars.

SAMUEL HOWARD,
Second Lieutenant, United States Revenue Service.

Subscribed and sworn to before me this 2d day of December, 1896.

[SEAL.]

THOMAS K. WALLACE,
Notary Public, District of Columbia.

Amend the bill by striking out all after the enacting clause down to and including the word "lieutenant," in line 8, and insert the following:

That the President be, and is hereby, authorized to commission Second Lieutenant Samuel Howard, now on the permanent "Waiting Orders" list of the United States Revenue-Cutter Service, a first lieutenant on said list, with the pay of that grade provided by law for officers on permanent "Waiting Orders."

As amended, the committee recommend the passage of the bill.